

Minutes of the Selectboard Meeting of
Wednesday, April 8, 2020 at 6:30 pm

Members present: Claudette Brochu, Chair; Roger Arnold, Vice Chair; Robert Gere; John Langhus; Mary Layton; Herb Durfee, Town Manager; Miranda Bergmeier, Assistant to the Town Manager.

There were about 16 people in the audience.

Also participating: Jaci Allen, Doug Wilberding, Linda Cook, Stuart Richards, Bonnie Munday, Pamela Smith, Police Chief Jennifer Frank, Sharon Racusin, Kathleen Shepherd, Juan Quinonez Zapata, George Clark.

The meeting was conducted via Zoom.

1. Approval of Agenda. Roger Arnold explained the meeting ground rules and procedures regarding the Zoom meeting. Brochu welcomed everyone to the meeting and Selectboard (SB) members agreed to proceed with the agenda as drafted.
2. Public Comment. Jaci Allen, Norwich Planning Commission (PC) Chair, asked for SB feedback on the PC's proposal to return to 7 members; she said that at least 5 of 8 PC members are in favor of decreasing the membership to 7. Brochu said they won't be discussing that tonight but can look at putting the issue on a future agenda. Doug Wilberding wants to know the status of EEI letter of intent and contract. He asked about the remuneration for the Tracy Hall project's clerk of the works and asked if the work was put out to bid. Wilberding said the economy is in depression and lots of challenges for town spending; he expressed concern about private financing for the Tracy Hall project. Wilberding wants to see the town return to the Energy Committee's strategic plan they developed in the past. Linda Cook said she wants to know if town committee meetings are being warned and posted as usual; she was told that yes, they are. Stuart Richards asked if the Tracy Hall project notes would be posted on the listserv. Durfee said that yes, they will be. Durfee also said the project's clerk of the works position is unpaid and that there is currently no contract with EEI, and the letter of intent is in the process of being signed by both parties (the town and EEI).
3. Consent Agenda. Arnold **moved** (2nd Langhus) to approve the consent agenda. **Motion passed unanimously.** Brochu **moved** (2nd Gere) to authorize the Selectboard Chair or Vice Chair to sign the approved warrants during this COVID19 emergency. **Motion passed unanimously.**
4. Reconsider Date of Special Town Meeting. Bonnie Munday, Norwich Town Clerk said that the Vermont Secretary of State suggests postponing public votes until at least August 2020. Munday said she would be much more comfortable with August than with a May vote because of the availability of people to count votes, and there will be clearer instruction from the Secretary of State by then and the peak of the pandemic should hopefully have passed. Under current physical distancing requirements, it would be very difficult to conduct the vote safely. Conducting the vote solely by the mail has its own dangers, as well. Arnold said he is in favor of waiting until August when we'll have more procedures in place from the Secretary of State. Gere asked if we know yet what the warning procedures will be and can we further postpone, if needed. Durfee said we would need to warn the special meeting with the Town Meeting petitioned article in mind. Brochu said we can't push the vote off past 2020. Langhus said he supports postponing the vote until August, as well. Stuart Richards suggested that no further money should be spent on this project beyond what has been authorized. Pamela Smith asked where the \$15,000 authorized come from. Durfee said it can either come from professional services or the Tracy Hall designated fund. Langhus **moved** (2nd Gere) to postpone the Special Town Meeting to conduct the Tracy Hall project reconsideration vote regarding

Article 8, originally scheduled for May 12, 2020, and reschedule said Special Town Meeting on August 11, 2020. **Motion passed unanimously.**

5. Article(s) for Special Town Meeting. No discussion or action was conducted on this item.

6. Norwich Representative to Regional Energy Commission. After brief discussion, Langhus **moved** (2nd Arnold) to appoint Linda Gray as representative and Rod Francis as alternative representative to the Regional Energy Commission. **Motion passed unanimously.**

7. Enhanced Fair & Impartial Policing Policy (FIPP). Arnold gave a summary of the discussion concerning and advocated for the approval of the FIPP per his memo, which is part of the meeting's SB packet. Norwich Police Chief Jennifer Frank said the and other Norwich Police Department (NPD) members are concerned with the fact that the FIPP is in violation of existing federal statute. Frank said that the SB has the power to enact FIPP as a personnel policy, because the SB cannot require or enact police policy. Frank said that the Winooski Chief of Police told her directly that Winooski has not gotten any Byrne/JAG money since the passage of their city's FIPP. Frank said that asking police officers to go against federal law would cause them to violate their oaths. Layton said she is very bothered by this policy proposal and is feeling very negative about asking police officers to go against their oaths. Layton said she is inclined to vote against it. Langhus said that police officers swear oaths to the state and federal constitutions, not to uphold federal law. Langhus said Norwich voters overwhelmingly voted in favor of the FIPP and he doesn't think the federal authorities should be asking local police to the federal work. Durfee said he doesn't think this is necessarily the best tie during the COVID crisis to tackle this issue and negatively affect morale. Arnold said he is sympathetic to that, but he is thinking about possible harm to the affected community. Brochu asked about Act 41 and what it does. Arnold said that Vermont Act 41 allows towns to add further enhancements to the state's model FIPP. Frank clarified that the agencies and constables can include enhancements to their policies. Act 41 allows police departments to add to their policies. Arnold said he thinks the SB has the power to enact such a policy. Sharon Racusin said this is not a comment on the performance of the NPD; the town voters overwhelmingly voted for this. Racusin strongly supports this enhanced FIPP. Kathleen Shepherd said she sees the adoption of the enhanced FIPP as a moral imperative we need to send a message by adopting this policy. Juan Quinonez Zapata said he is a Dartmouth student and activist and said passing this FIPP would make undocumented people feel safer in this community. What is in place now as a policy is not good enough and we need the enhanced FIPP; now is the right time to approve this policy because the people who would be protected by it are the same people who tend to be essential workers – in food service and farming. Chief Frank said the enhanced FIPP is problematic because we are asking officers to violate section 1373 of the federal statute; Frank recommended that the SB make this a personnel policy. Langhus **moved** (2nd Arnold) to adopt a Town Enhanced Fair and Impartial Policing Policy, as advised by the voters at the March 3, 2020 Norwich Town Meeting without amendment. **Motion passed 4 to 1 (yes – Arnold, Brochu, Gere, Langhus; no – Layton).**

8. Social Media Policy Revision. SB members discussed the draft policy, especially how to handle committee websites. Langhus **moved** (2nd Arnold) to adopt the Town of Norwich Digital Media Policy (aka the Social Media Policy), as drafted and included in this meeting's packet. **Motion passed unanimously.**

9. Cybersecurity Policy. Layton said that she based the draft policy on a national organization's recommendations. Durfee asked for guidance and deadlines on the actions detailed in the policy. SB members discussed the draft policy. Gere said the breadth of scope might be too much for the town at this time; SB agreed that adopting this policy right now is too soon – more things need to be put into place first. Layton suggested the SB table this issue for the next 6 months and reconsider

adopting the policy at that time. SB members agreed to table this motion until a July meeting.

10. Tigertown Road culverts. Durfee said that VTrans requires a local concerns meeting related to the Tigertown culvert work that need to be upsized. This gives members of the public the opportunity to discuss the plan with town officials; this discussion at this SB meeting will provide that opportunity. Durfee said that an engineer has put together plans for the culvert work – these are in tonight’s meeting packet. The project has gone out to bid on the project, we have received proposals and are evaluating those proposals. The VTrans department governing this project grant has shut down because of COVID19.

11. Fire Dept. Request to Expend Money From Designated Fund. After brief discussion, Langhus **moved** (2nd Arnold) to authorize the expenditure of up to \$3,094.03 from the Fire Station Designated Fund for the payment of repairs to Fire Station equipment and building infrastructure. **Motion passed unanimously.**

12. Hazard Mitigation Plan. Layton asked if the bids were received under an FRP. Durfee said that yes, it went out and we received 2 bids. After some discussion, Langhus **moved** (2nd Layton) to authorize the Town Manager to execute a contract with TRORC to develop a duly approved FEMA Hazard Mitigation Plan, according to the Town’s RFP dated January 27, 2020, for an amount not to exceed \$10,122.00, 75% of which will be reimbursed by the State via a FEMA grant up to \$7,612.50. **Motion passed unanimously.**

13. COVID19 Update. Layton asked Durfee how it is going in the town offices. Durfee said that town employees are practicing physical distancing. Arnold asked Durfee what things the SB should be considering regarding COVID19 issues. Durfee suggested that the SB take a future meeting to discuss various things the town can do in more detail. Pamela Smith said that Jim Masland had told her that the State of Vermont may not have Vermont property tax credits available in time for our July tax bills. Durfee said he will be coming out with an updated contingency plan soon. Linda Cook said there is no burning in the town until further notice.

14. Town Manger Report. Durfee said that he will put out an updated contingency plan in the next few days. Durfee asked for clarity from the SB about what they want to see happen regarding employee pay when an employee doesn’t work. Town employees are asking why they can’t stay at home and be paid. Langhus said he remembers the SB members agreed at an earlier meeting that employees should be paid while they do what’s necessary to be safe – either staying home or wherever they work; and if we can do without an employee, we should send them home. Layton said she wants anyone who can work at home to work at home. Arnold said the state has classified who is essential and not; so that Durfee doesn’t need to make that determination. Brochu said the money is in the budget, so we should pay people and not have them suffer any loss. Durfee thanked the SB for clarifying. Durfee told the SB that he needs their authorization to submit paving grant requests to the state; the town’s funding match would come out of next fiscal year’s funding. Langhus **moved** (2nd Layton) to authorize the Town Manager to submit applications for grant funding from the annual VTrans Structures and Paving Grants programs related to paving a portion of Beaver Meadow Rd (to address the potholing in the interim of completing the sidewalk scoping project), paving Union Village Rd (from Old Coach Rd to Willey Hill Rd), and replacing the Rte. 132 box culvert – engineering only request. **Motion passed unanimously.**

16. Adjournment. Layton **moved** (2nd Arnold) to adjourn. **Motion passed (yes – Arnold, Brochu, Gere, Layton; abstain – Langhus).**

Meeting adjourned at 10:14 pm.

By Miranda Bergmeier

Approved by the Selectboard on April 22, 2020

Claudette Brochu
Selectboard Chair

Next Meeting – April 22, 2020 – Meeting at 6:30

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